



## COUNTY OF LAKE

### HEALTH SERVICES DEPARTMENT

Division of Environmental Health

Lakeport:

922 Bevins Court, Lakeport, CA 95453-9739

Telephone 707/ 263-1164 FAX: 263-1681

Lower Lake:

16185 Main Street, Lower Lake, CA 95457

Telephone 707/ 994-2257 FAX: 994-8950

**James Brown**  
Health Services Director

**Craig McMillan MD,**  
Health Officer

Raymond Ruminski, REHS  
Environmental Health Director

April 19, 2007

JoAnn Jaschke  
California Environmental Protection Agency  
1001 I Street  
Sacramento, CA 95814

Re; Deficiencies Status Report from 2006 CUPA Audit, Second Quarter 2007

Enclosed you will find our status report on the deficiencies from our 2006 CUPA audit. As you can see we are still making considerable progress. We continue to address every deficiency noted. Some have been completed, while others are in the process. We are continuing to update our County Wide Area Plan and Hazardous Materials Emergency Response Area Plan. We have been putting together from various resources a contractor list with names and phone numbers that both emergency responders and business owners can consult. You may note that I have deleted off the list number 1, 7 and 11 that you have considered completed and I have left off the items that will be addressed at the annual CUPA Update in September and items that will be reviewed in the next audit. That leaves 5 items. Please review and comment.

If you have any questions please call me 707-263-1164.

Sincerely;

Kenneth Williams, REHS  
Hazardous Materials Specialist

## **Deficiencies and Corrective Actions**

**4-19-07**

**Deficiency #2:** The CUPA is not remitting the state surcharge collected to the State.

**CUPA Corrective Action:** The State Surcharge money for 2004,5; 2005,6; 2006,7 CUPA programs are in the process of being mailed.

**Deficiency #3:** As noted in the 2005 CUPA evaluation, the CUPA is not regulating all agricultural handlers under the Business Plan program.

**CUPA Corrective Action:** A list of Farms is continuing to be developed and all are scheduled to be inspected in 2008. They are being inspected as opportunity arises.

**Deficiency #4:** As noted in the 2005 CUPA evaluation, the CUPA is not meeting the triennial inspection frequency for the Business Plan program.

**CUPA Corrective Action:** This and number 10 are the same problem. I had set an inspection schedule that will bring the County into compliance with the tri-annual requirement by July 2007, but we are already falling behind. We are just now staring the February and March's schedule. The follow – up inspections are driving the routine inspections back. We will continue to do the best we can.

**Deficiency #5:** As noted in the 2005 CUPA evaluation, the CUPA has not yet conducted preliminary risk determinations for potential Table 3 CalARP facilities.

**CUPA Corrective Action:** All potential Cal – ARP facilities have now been notified by letter to submit a Preliminary Risk Assessment by February 2007 or submit a full Cal – ARP plan by the end of 2007. The Preliminary Risk Assessments will be reviewed and evaluated as they come in. We have gotten several in but there are some stragglers. A second notice to comply is being sent to have these sent in. Two PRA have been received and reviewed.

**Deficiency #6:** As noted in the 2005 CUPA evaluation, most of the inventory forms in the files reviewed are incomplete and/or outdated.

**CUPA Corrective Action:** This same action is being taken for number 9. These are reviewed as part of our normal inspection process. As deficiencies are found in the inventory and the site map they are required to be updated. When compliance is accomplished a Return To Compliance note is made to the original inspection report. Until compliance is made, follow – up contact is done.

**Deficiency #8:** The emergency response plan in 6 of the 9 Business Plan files reviewed did not contain instructions to notify the State Warning Center (OES) in the event of a hazardous materials release.

**CUPA Corrective Action:** This County has been using the Unidocs Emergency Response Contingency Plan format for the last several years. On page #2 of this plan, on point number 4, letter a, sub number v, are the instructions to notify the State OES. As we are inspecting facilities this year, to get caught up with the tri – annual schedule, these plans are updated using this format. As follow – up contact is made and compliance is obtained an RTC is noted in the file.

**Deficiency #9:** UST plot plans reviewed did not contain all the required elements or were missing.

**CUPA Corrective Action:** See response number 6.

**Deficiency #10:** With the increase in hazardous waste facilities, the CUPA is not meeting their inspection frequencies.

**CUPA Corrective Action:** see response number 4.

**Deficiency #12:** As noted in the 2005 CUPA evaluation, the CUPA has exempted heating fuel from the Business Plan program without following the exemption process.

**CUPA Corrective Action:** We have now received Fire Department Chief's buy in on the exemption of business heating fuel from the Business Plan requirements. We are now heading toward a Public hearing process.



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**CERTIFIED UNIFIED  
PROGRAM AGENCY (CUPA)****CERTIFICATION OF RETURN TO  
COMPLIANCE**

Facility Name: \_\_\_\_\_ Date: \_\_\_\_\_

Site Address: \_\_\_\_\_

Owner/operator: \_\_\_\_\_ Phone: \_\_\_\_\_

**PROGRAM:** \_\_\_\_\_ **INSPECTION REPORT DATED:** \_\_\_\_\_**CONDUCTED BY:** \_\_\_\_\_**THE FOLLOWING VIOLATIONS WERE NOTED: (ENCLOSE INSPECTION REPORT)**

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**I CERTIFY UNDER PENALTY OF LAW THAT:**

- 1) Respondent has corrected the violation (s) specified in the notice of violation cited above.
- 2) I have personally examined any documentation attached to this letter of certification to establish that the violation (s) have been corrected.
- 3) Based on my examination of any documentation and inquiry of the individuals who have prepared or obtained it, I believe that the information is true, accurate, and complete.
- 4) I am authorized to file this certificate on behalf of the Respondent.
- 5) I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.
- 6) I understand that if these violations are again noted during future inspections that legal action is possible based on the chronic nature of the violation (s).

\_\_\_\_\_  
Name (Print or Type)\_\_\_\_\_  
Title\_\_\_\_\_  
Signature\_\_\_\_\_  
Date Signed\_\_\_\_\_  
Company Name\_\_\_\_\_  
EPA ID Number



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Health Services Director

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Raymond Ruminski, REHS  
Environmental Health Director

**DATE**

**NAME**

**ADDRESS**

Re: California Accidental Release Program (CalARP), for

This office conducted an inspection on **[DATE]** at **[NAME OF FACILITY]**. It was discovered that there exists **[CHEMICAL AND VOLUME]** on the site. The CalARP Risk Management Plan is required for any site that stores a listed Federal extremely Hazardous Material or a State acutely Hazardous Material above threshold quantities. [California Code of Regulations Title 19, Division 2, Chapter 4.5]. This plan is due at the time when storage of these materials first comes on site over the threshold. (Section 2745.1b)

Respond within 30 days as to how you will comply with the requirements of the CalARP Program. This office recommends as an alternative to submitting a CalARP plan, to eliminate the material in question or use an alternative material that is not on the Federal or State lists.

The first step is to complete a "Preliminary Risk Assessment" according to the State of California CalARP Guideline ([www.oes.ca.gov](http://www.oes.ca.gov)). Within 60 days of this letter submit a "Preliminary Risk Assessment". If a full RMP is required it will need to be submitted within 12 months of this letter.

If you have any questions please call me 707-263-1164.

Sincerely;

Kenneth Williams, REHS  
Hazardous Materials Specialist



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Environmental Health Director

**DATE**

**NAME**

**ADDRESS**

**CITY**

RE; California Accidental Release Program (CalARP), for **(NAME, ADDRESS)**

A notice was sent to you on December 15, 2006 requesting a "Preliminary Risk Assessment" for the Chlorine storage at **( FACILITY NAME)**. You were given 60 days to submit the report. As of this date this office has not received the Risk Assessment.

The CalARP Risk Management Plan is required for any site that stores a listed Federally Extremely Hazardous Material or a State Acutely Hazardous Material above threshold quantities. {California Code of Regulations Title 19, Division 2, Chapter 4.5} This plan is due at the time when storage of these materials first comes on site over the threshold. {Section 2745.1b}

Please respond within 30 days as to the status of how you will come into compliance with the CalARP requirements.

The first step in completing a "Preliminary Risk Assessment" is to consult the California CalARP Guideline. This can be accessed at [www.oes.ca.gov](http://www.oes.ca.gov).

If you have any questions please call me 707-263-1164.

Sincerely;

Kenneth Williams, REHS  
Hazardous Materials Specialist



# California Environmental Protection Agency

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control  
Integrated Waste Management Board • Office of Environmental Health Hazard Assessment  
State Water Resources Control Board • Regional Water Quality Control Boards



Linda S. Adams  
Secretary for  
Environmental Protection

Arnold Schwarzenegger  
Governor

## CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION Evaluation Follow-up Meeting

**CUPA: Lake County Environmental Health**

**Meeting Date: April 19, 2007**

The CUPA has sufficiently corrected deficiencies 1, 7, and 11 identified in the 2006 CUPA evaluation conducted on October 18 and 19, 2006. No further updates are required for these deficiencies. The following is a status update and revised corrective action plan for correcting the remaining deficiencies, which was decided during the follow up meeting with the CUPA, Cal/EPA, SWRCB, OES, and DTSC on April 19, 2007:

### **Revised Preliminary Corrective Action**

#### **April through October 2007**

The CUPA will focus on:

1. Maintaining the annual inspection frequency on UST facilities;
2. Conducting hazardous waste and business plan inspections on facilities; and
3. Analyzing their fees to ensure the fees are structured to encourage the most efficient and cost-effective operation of the program for which the single fees are assessed. Cal/EPA will provide the CUPA with sample fee structures and staffing levels from other CUPAs.

A summary of the discussion on the CUPA'S fees is explained at the bottom of this document.

Cal/EPA, DTSC, OES, and SWRCB are satisfied with the progress the CUPA is making towards correcting the remaining deficiencies explained in their deficiency progress report submitted to Cal/EPA on April 19, 2007.

**Deficiency #2:** The CUPA is not remitting the state surcharge collected to the State. According to the FY 04/05 annual single fee summary report, the CUPA collected \$8,508.70 in state surcharges. According to the FY 05/06 annual single fee summary report, the CUPA collected \$8,232 in state surcharges. However, the State records indicate that these amounts were not submitted to the State.

**Cal/EPA response:** Cal/EPA is satisfied with the progress identified in the update submitted on April 19, 2007. Cal/EPA will continue tracking this progress until the surcharges have been submitted to the state.



**Deficiency # 3:** As noted in the 2005 CUPA evaluation, the CUPA is not regulating all the agricultural handlers under the Business Plan program. Efforts are ongoing to inventory the population of agricultural handlers in the county.

**Cal/EPA, DTSC, and OES response:** Cal/EPA is satisfied with the progress identified in the update submitted on April 19, 2007. Cal/EPA will continue tracking this progress.

**Deficiency #4:** As noted in the 2005 CUPA evaluation, the CUPA is not meeting the triennial inspection frequency for the Business Plan program. In FY 04/05, the CUPA inspected 86 of 293 businesses. In FY 05/06, the CUPA inspected 53 of 303.

**Cal/EPA and OES response:** Completing inspections was identified as a priority for April through October 2007. Cal/EPA will continue tracking this progress.

**Deficiency #5:** As noted in the 2005 CUPA evaluation, the CUPA has not yet conducted preliminary risk determinations for potential Table 3 CalARP /facilities. A mail-out informing these facilities of this requirement is currently in preparation.

**Cal/EPA and OES response:** Cal/EPA is satisfied with the progress identified in the update submitted on April 19, 2007. Cal/EPA will continue tracking this progress.

**Deficiency #6:** As noted in the 2005 CUPA evaluation, most of the inventory forms in the files reviewed are incomplete and/or outdated. The CUPA is now using the Unified Program Consolidated Form to update the inventory.

**Cal/EPA and OES response:** Cal/EPA is satisfied with the progress identified in the update submitted on April 19, 2007. Cal/EPA will continue tracking this progress.

**Deficiency #8:** The emergency response plan in 6 of the 9 Business Plan files reviewed did not contain instructions to notify the State Warning Center (OES) in the event of a hazardous materials release. The CUPA is now using the boiler plate procedures that contain the instructions.

**Cal/EPA and OES response:** Cal/EPA is satisfied with the progress identified in the update submitted on April 19, 2007. Cal/EPA will continue tracking this progress.

**Deficiency #9:** UST plot plans reviewed did not contain all the required elements or the monitoring system information was missing.

**Cal/EPA and SWRCB response:** Cal/EPA is satisfied with the progress identified in the update submitted on April 19, 2007. Cal/EPA will continue tracking this progress.

**Deficiency #10:** With the increase in hazardous waste facilities, the CUPA is not meeting their inspection frequencies. The CUPA has made efforts to identify and register generators of hazardous waste at farms and businesses below the business plan threshold.

**Cal/EPA and DTSC response:** Completing inspections was identified as a priority for April through October 2007. Cal/EPA will continue tracking this progress.

**Deficiency #12:** As noted in the 2005 CUPA evaluation, the CUPA has exempted heating fuel from the Business Plan program without following the exemption process.

**Cal/EPA and OES response:** Cal/EPA is satisfied with the progress identified in the update submitted on April 19, 2007. Cal/EPA will continue tracking this progress.

The evaluation team and the CUPA discussed possibly increasing the revenues by a number of actions. The actions discussed included:

-Assessing an hourly fee for the re-inspection of businesses. The CUPA may want to consider tying assessment of the fee to the compliance at the end of routine re-inspections. The CUPA has the statutory right to conduct re-inspections, and has chosen to do so to affect better protection of the environment.

-The need to increase regularly assessed and collected fees, and the corresponding staffing levels. It was noted that the CUPA currently has 1 full time employee, one half time clerical and one 3/5 time temporary inspector. Fee increases could be implemented with allocation of work to include maintenance of the part-time inspector as well as an environmental health technician level staff to be used to identify currently unregulated businesses. Identification of new businesses will initiate billing and increase revenues. Any fee increases may want to be presented to the Board of Supervisors as a temporary schedule allowing the CUPA only to meet minimum inspection standards, with workloads to be reassessed once the base workload has been established.

-A comparison of the fee schedules used by the CUPA as well as neighboring CUPAs as well as CUPAs which are similar in size and types of businesses regulated. The CUPA was provided with examples of fee schedules.

**CUPA Representative**

RAYMOND RUMINSKI

(Print Name)

Raymond Ruminski

(Signature)

**Cal/EPA Representative**

JoAnn Jaschke

(Print Name)

JoAnn Jaschke

(Signature)